



California Regional Water Quality Control Board

Los Angeles Region



Alan C. Lloyd, Ph.D.
Agency Secretary

Over 51 Years Serving Coastal Los Angeles and Ventura Counties
Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

Arnold Schwarzenegger
Governor

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.waterboards.ca.gov/losangeles>

Notice of Public Meeting/ 15th Panel Hearing

Wednesday, February 23, 2005
9:00 a.m.

Meeting Location:
The State of California
General Services Office of Administrative Services
320 W. 4th Street, 6th Floor
Los Angeles, California

Agenda

The Parties to these items must submit any written comments, a list of witnesses, and any exhibits to the Executive Officer not later than February 15, 2005. Failure to comply with these requirements is grounds for the Panel to refuse to admit the proposed written comment or exhibit into evidence. (California Code of Regulations, title 23, section 648.4)

If materials are not submitted in a timely manner, the Hearing Panel may refuse to admit written testimony into evidence unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would otherwise create a hardship. If any other party demonstrates prejudice resulting from admission of written comments or exhibits not timely submitted, the Hearing Panel may refuse to admit it.

The Hearing Panel is authorized to enter into closed session to deliberate on the evidence received in each of these matters. (Government Code section 1112(c) (3)).

If you are reading a statement at the hearing, please provide the Executive Assistant with a copy at the Hearing.

The Hearing will endeavor to consider all matters listed on this agenda. However, time may not allow the Panel to hear all matters listed. Matters not heard at this hearing may be carried over to the next Panel Hearing or to a future Regional Board meeting. Parties will be notified in writing of the rescheduling of their item. Please contact the Regional Board staff to find out about rescheduled items.

INTRODUCTORY ITEMS

1. Introduction of Panel.
[Fran Diamond].....Board Members Present
2. Order of Agenda.....Board Direction
(The agenda items are numbered for identification purposes and will not necessarily be considered in this order).
3. Panel Member Communication Disclosure.
[Robert Sams, (213) 576-6797].....Information/Discussion

ENFORCEMENT ISSUES

4. Hearing on Complaint No. R4-2004-0050 to assess penalties against Merona Enterprise, inc. for Administrative Civil Liability in the amount of \$14,240. The Permittee is alleged to have violated sections A.3, A.8, and A.11 of the General Permit No. CAS000002, by failing to submit a complete Storm Water Pollution Prevention Plan, implement effective Best Management Practices (BMPs), and maintain the BMPs. *(After a hearing to receive evidence and testimony concerning the Complaint, the Panel will make findings of fact and conclusions of law, and a proposed decision and order for presentation to the Board when the Board considers whether to affirm, modify, or rescind the Complaint in the amount of \$14,240.)* [Alex Alimohammadi, (213) 620-2243]
5. Hearing on Complaint No. R4-2004-0084 to assess penalties against Wittenberg-Livingstone and ASN Ventura, LLC. for Administrative Civil Liability in the amount of \$48,160. The Permittee is alleged to have violated sections A.1, A.5, A.6, A.8, and A.11 of the General Permit No. CAS000002, by failing to submit a complete Storm Water Pollution Prevention Plan, implement effective Best Management Practices (BMPs), maintain the BMPs, and eliminate nonstormwater discharges. *After a hearing to receive evidence and testimony concerning the Complaint, the Panel will make findings of fact and conclusions of law, and a proposed decision and order for presentation to the Board when the Board considers whether to affirm, modify, or rescind the Complaint in the amount of \$48,160.)* [Alex Alimohammadi, (213) 620-2243]
6. Hearing of Complaint No. R4-2004-0035 to assess Mandatory Minimum Penalties against the City of Fillmore in the amount of \$264,000 pursuant to Water Code section 13385 subdivisions (h) and (l) for violation of its Waste Discharge Requirements. *(After a hearing to receive evidence and testimony concerning the Complaint, the Panel will make findings of fact and conclusions of law, and a proposed decision and order for presentation to the Board when the Board considers whether to affirm, modify, or rescind the Complaint in the amount of \$264,000.)* [Russ Colby, (213) 620-6373]
7. **Adjournment of Current Meeting.**

NOTICE

Additional information concerning hearing procedures, written submissions, and the record.

Hearing Procedures: The Regional Board follows procedures established by the State Water Resources Control Board. These procedures are established in regulations commencing with section 647 of title 23 of the California Code of Regulations. The Chair may establish specific procedures for each item, and consistent with section 648, subdivision (d) of title 23 of the California Code of Regulations may waive nonstatutory provisions of the regulations. Generally, all witnesses testifying before the Regional Board must affirm the truth of their testimony and are subject to questioning by the Board Members. The Board does not, generally, require the designation of parties, the prior identification of witnesses, or the cross examination of witnesses. Any requests for an alternate hearing process should be made to the Executive Officer in advance of the meeting, and under no circumstances later than 5:00 p.m. on the Thursday preceding the Board meeting.

Written Submissions: Written materials (whether hand-delivered, mailed, e-mailed, or facsimiled) ***must be received prior to the relevant deadline*** established in the agenda and public notice for an item. If the submitted material is more than 10 pages or contains foldouts, color graphics, maps, or similar items, 6 copies must be submitted prior to the relevant deadline.

Failure to comply with requirements for written submissions is grounds for the Chair to refuse to admit the proposed written comment or exhibit into evidence. (Cal. Code Regs., tit. 23, § 648.4(e).) The Chair may refuse to admit written testimony into evidence unless the proponent can demonstrate why he or she was

unable to submit the material on time or that compliance with the deadline would otherwise create a hardship. If any other party demonstrates prejudice resulting from admission of the written testimony, the Chair may refuse to admit it.

Administrative Record: Material presented to the Board as part of testimony that is to be made part of the record must be left with the Board. This includes photographs, slides, charts, diagrams, etc. All Board files pertaining to the items on this Agenda are hereby made a part of the record submitted to the Regional Board by staff for its consideration prior to action on the related items.

Accessibility: Individuals requiring special accommodations or language needs should contact Sonja Gettel at (213) 576-6801 or sgettel@rb4.swrcb.ca.gov at least ten working days prior to the meeting. TTY/TDD/Speech -to-Speech users may dial 7-1-1 for the California Relay Service.

Availability of Complete Agenda Package: A copy of the complete agenda package is available for examination at the Regional Board Office during regular working hours (8:00 a.m. to 5:00 p.m. Monday through Friday) beginning 10 days before the Board meeting. Questions about specific items on the agenda should be directed to the staff person whose name is listed with the item.

Electronic Information and Updates: Our web site address is www.swrcb.ca.gov/rwqcb4. The site can also be accessed through the State Water Resources Control Board's web site at www.waterboards.gov/losangeles/, then clicking on "Regional Boards". Information available online includes the Regional Board's meeting schedule, a list of the Regional Board members, past and present Executive Officer reports, program information, a list of staff and phone numbers arranged by their work unit, and links to the Santa Monica Bay Restoration Commission's home page and other governmental agencies. Last-minute changes to the agenda, such as the continuance of an item, will be posted electronically. If you need further information, please contact Jack Price at (213) 576-6669.
